

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MAC B. PROPERTIES, LLC,)
et al.,)
)
Plaintiffs,)
)
v.) Case No. CIV-24-665-SLP
)
PM CONSTRUCTION AND REHAB, LLC,)
d/b/a IPR SOUTH CENTRAL,)
)
Defendant.)

ORDER

Upon review of the Complaint [Doc. No. 1], the Court finds insufficient factual allegations to support the assertion of federal subject matter jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332.¹ In particular, Plaintiffs fail to allege: (1) the citizenship of the individual Plaintiffs; (2) the citizenship of all members of Plaintiff, Mac. B. Properties, LLC; and (3) the citizenship of all members of Defendant PM Construction and Rehab, LLC. *See Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1234 (10th Cir. 2015) (LLC has citizenship of all its members); *see also Whitelock v. Leatherman*, 460 F.2d 507, 514 (10th Cir. 1972) (“A federal court’s jurisdiction must clearly appear from the face of a complaint or [notice of removal]”). Therefore, Plaintiffs

¹ “[F]ederal courts unquestionably ‘have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.’” *Havens v. Colo. Dep’t of Corr.*, 897 F.3d 1250, 1260 (10th Cir. 2018) (quoting *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006)).

have failed to carry their burden, as the parties invoking federal jurisdiction, to establish the existence of complete diversity of citizenship between the parties.

IT IS THEREFORE ORDERED that Plaintiffs shall file an amended complaint to allege sufficient factual allegations demonstrating diversity jurisdiction within 14 days of the date of this Order.² If necessary, Plaintiffs may allege diversity information pertaining to Defendant based on information and belief. Plaintiffs' failure to comply with this Order may result in this case being dismissed without prejudice.

IT IS SO ORDERED this 29th day of July, 2024.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE

² Plaintiff Mac B. Properties, LLC is also directed to file its separate disclosure statement. *See* LCvR7.1.1.